

Notification of Conflict of Interest Referral

For use in cases involving possible violations of 18 U.S.C. §§ 203, 205, 207-209 by current or former executive branch employees only, see reverse for summary of statutory/regulatory background. Please return directly to: U.S. Office of Government Ethics, 1201 New York Ave. NW, Suite 500, Washington, DC 20005-3917. Phone: Associate Director for Program Reviews (202) 482-9270. FAX: (202) 482-9238.

Agency Referring the Case EPA-OIG	Agency Case or Referral Number (b)(7)(A)	Case Referred to: <input checked="" type="checkbox"/> DOJ, Public Integrity Section, Criminal Division <input type="checkbox"/> U.S. Attorney for (district) _____ <input type="checkbox"/> DOJ, other _____
Date of Referral to DOJ December 8, 2010	Name of Employee Involved in Case (optional), Agency, and Agency Component Where he/she was Employed. _____ Environmental Protection Agency, Office of Air and Radiation, Washington, D.C.	

(b)(6), (b)(7)
(A), (b)(7)(C)

PART I ETHICS TRAINING

Is there any evidence the individual received ethics training? ☐ YES ☐ NO ☐ UNCLEAR (b)(7)(A)

PART II STATUTE(S) INVOLVED IN THIS CASE

Please check the appropriate box for the statute(s) involved in this case, then complete the rest of the information for the statute(s).

(b)(7)(A)	<input type="checkbox"/>	18 U.S.C. § 203 (Compensation for Representation Affecting the Government) Federal entity before which representation occurred: (b)(7)(A) Compensated representation on behalf of: (b)(7)(A) Were representational services rendered or to be rendered: <input type="checkbox"/> by the employee <input type="checkbox"/> or by another? (b)(7)(A)	
(b)(7)(A)	<input type="checkbox"/>	18 U.S.C. § 205 (Representation Affecting the Government) Federal entity before which representation occurred: (b)(7)(A) Representation on behalf of: (b)(7)(A)	
(b)(7)(A)	<input type="checkbox"/>	18 U.S.C. § 207 (Post-Employment) Federal entity before which representation occurred: _____ Representation on behalf of: _____ Was the communication/representation: <input type="checkbox"/> oral? <input type="checkbox"/> and/or written? <input type="checkbox"/> Former employee termination service before January 1, 1991. Check subsections involved: <input type="checkbox"/> 207(a) <input type="checkbox"/> 207(b)(1) <input type="checkbox"/> 207(b)(2) <input type="checkbox"/> 207(c) <input type="checkbox"/> Former employee termination service on or after January 1, 1991. Check subsections involved: <input type="checkbox"/> 207(a)(1) <input type="checkbox"/> 207(a)(2) <input type="checkbox"/> 207(b) <input type="checkbox"/> 207(c) <input type="checkbox"/> 207(d) <input type="checkbox"/> 207(f) If 207(b) or 207(f) is checked, was behind-the-scenes aid or advice involved? <input type="checkbox"/> Yes <input type="checkbox"/> No	(b)(7)(A)
(b)(7)(A)	<input type="checkbox"/>	18 U.S.C. § 208 (Acts Affecting a Personal Financial Interest) Does the case involve the financial interest: <input type="checkbox"/> of the employee? <input type="checkbox"/> of the employee's spouse? <input type="checkbox"/> Minor child? <input type="checkbox"/> A firm with which the employee was negotiating for employment? <input type="checkbox"/> Other? (specify) (b)(7)(A) Was a waiver sought? <input type="checkbox"/> Yes <input type="checkbox"/> No Was it granted? <input type="checkbox"/> Yes <input type="checkbox"/> No Was the employee required to file a financial disclosure form? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, check form involved: <input type="checkbox"/> SF 278 <input type="checkbox"/> OGE Form 450 <input type="checkbox"/> Other (specify) _____ If so, was the basis for the interest disclosed on the financial disclosure form? <input type="checkbox"/> Yes <input type="checkbox"/> No	(b)(7)(A)
(b)(7)(A)	<input type="checkbox"/>	18 U.S.C. § 209 (Supplementation of Salary) Type of supplementation (meals, travel, cash, etc.): (b)(7)(A) Value of supplementation: \$(b)(7)(A) Number of supplements: (b)(7)(A)	
(b)(7)(A)	<input type="checkbox"/>	Additional Statutes Involved in Conflict of Interest Referrals Was 18 U.S.C. § 201 (bribery/gratuity) involved? <input type="checkbox"/> Yes <input type="checkbox"/> No Was 5 U.S.C. App. (Ethics in Government Act) § 501 (outside earned income) involved? <input type="checkbox"/> Yes <input type="checkbox"/> No Was 5 U.S.C. App. (Ethics in Government Act) § 502 (outside employment) involved? <input type="checkbox"/> Yes <input type="checkbox"/> No Was 18 U.S.C. § 1001 (false statements) involved? <input type="checkbox"/> Yes <input type="checkbox"/> No Was 5 U.S.C. App. (Ethics in Government Act) § 101 et seq. (Financial disclosure) involved? <input type="checkbox"/> Yes <input type="checkbox"/> No Other (list): (b)(7)(A)	(b)(7)(A)

Agency Contact/Telephone Number

Michael Daggett, 202-566-0821

Date

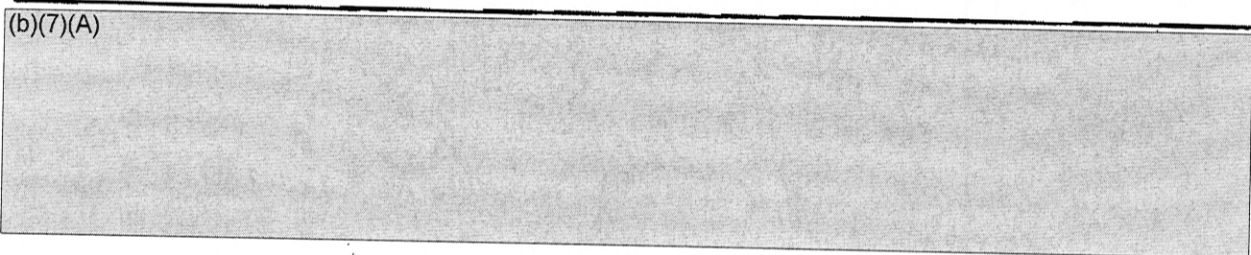
February 2, 2011

OGE Form 202 (11/04)

Statutory/Regulatory Background

28 U.S.C. § 535 requires every department or agency to report to the Attorney General any information, allegations, or complaints relating to violations of title 18 of the United States Code involving Government employees, including possible violations of 18 U.S.C. § 207 by former Government employees. The Director of the Office of Government Ethics (OGE), in accordance with 5 U.S.C. App. § 402(e)(2), has promulgated regulations at 5 C.F.R. § 2638.603 requiring agencies to concurrently notify the Director when any matter involving a violation of 18 U.S.C. §§ 203, 205, 207, 208, and/or 209 is referred to the Department of Justice pursuant to 28 U.S.C. § 535. Such notification may be accomplished by providing a copy of the referral document or by submitting this optional form, unless such notification would otherwise be prohibited by law. OGE regulations also require that the department or agency subsequently notify the Director of the referral's disposition, including any disciplinary or corrective action taken by the department or agency. 5 C.F.R. § 2638.603(c). Information relating to the disposition of a referral may be communicated to the Director in writing.

(b)(7)(A)



PART IV DISPOSITION OF REFERRAL (OGE use only):

(b)(7)(A)

☐

DOJ declined prosecution.

(b)(7)(A)

☐

DOJ initiated prosecution.

Resolution:

Agency disciplinary or corrective action, if any: